

## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for **8/23/12** – Approved 9/13/12

Location: Ayer Town Hall, 1st Floor

Members present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Jessica Gugino (JG, Clerk), Takashi Tada (TT), Steven Zisk (CA, Conservation Administrator)

APAC taped: No

### **7:10 PM – Open Meeting**

- **Confirmation of Agenda**

- Ed Cornelier, representing Sandy Pond Investment Trust, was added to the agenda at 7:30.
- Lee Curtis, interviewing for the ConCom Commissioner vacancy, was added to the agenda at 8:00.
- TT moved to accept the agenda as amended; GB 2<sup>nd</sup>.
  - Motion approved unanimously.

- **Accounts Payable**

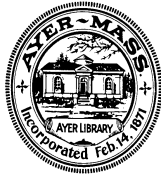
- Steven Zisk: \$38.57, mileage reimbursement.
  - GB voted to approve payment of \$38.57; TT 2<sup>nd</sup>.
    - Motion approved unanimously.

- **Meeting Minutes Approval**

- GB moved to approve the minutes for 8/9/12 as corrected; TT 2<sup>nd</sup>.
  - Motion approved unanimously.

- **Discussion: Ed Cornelier, Sandy Pond Investment Trust, Kohler Place**

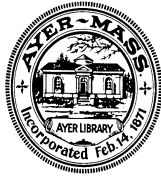
- Mr. Cornelier updated ConCom on the status of the Kohler Place development, located on 23 acres at the end of Wright Road.
  - The site was approved for development of 4 house lots on 2.8 acres, with the remaining 20.2 acres to be put into Conservation Restriction.
  - In part because of the lengthy process of permitting as well as litigation, plans to develop this site have now been cancelled.
- Mr. Cornelier said the Trust was looking to gauge whether there was interest in the Town purchasing the full 23 acres.
  - The currently-undeveloped parcel is within ACEC (Area of Critical Environmental Concern) and NHESP (Natural Heritage and Endangered Species Program) has ascertained the presence of endangered species as well.
  - If the family Trust was not going to build on the parcel, Mr. Cornelier said they would rather see it stay as is than be developed by others.
  - Nevertheless Mr. Cornelier said that there are people to whom they could sell that are interested in developing the parcel.
    - The Trust would therefore like an answer relatively soon, so they can make a decision before permits begin to expire in two years time.
  - The Trust is hoping to at least recoup expenses related to the development and planning process.
- JG, as ConCom representative to the Community Preservation Committee (CPC), said this would likely be of interest to CPC as an Open Space acquisition.
- Mr. Cornelier said the Trust will be getting a formal appraisal of the property from Avery Associates.



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- BD said having a dollar figure for a legitimate price on the going market will help ConCom and CPC evaluate Town interest.
  - Mr. Cornelier said he was aware of the difference between an appraisal for sale for construction versus an appraisal for sale for conservation.
- BD described for Mr. Cornelier the process of a municipality purchasing land and that it requires a Phase I environmental review that performs a title search, researches the deed, and researches usage on the site to ascertain the potential for past leakages of toxic material.
  - BD thought it likely this parcel would only need a Phase I review and would not require a more costly and extensive Phase II.
- Crossing easement.
  - To access the parcel from Wright Road requires crossing a narrow strip belonging to another resident.
    - This was the subject of litigation between this resident and the Trust and the Town in 2008-9.
    - The Land Court found in favor of the Trust.
    - Mr. Cornelier said he thought the crossing easement was permanent and would transfer to a new owner, but would check this.
- BD raised the issue of possible conflict of interest, given that Mr. Cornelier serves on the Town's Board of Assessors.
  - BD thought this would not be applicable since the parcel is owned by the family Trust rather than solely by Mr. Cornelier.
- TT said that after JG brings this up for discussion at CPC's next meeting, it would be possible for ConCom to consider officially endorsing a purchase.
  - BD said that a specific group has to usher it through the CPC approval process.
    - CPC approval then puts such a purchase before Town Meeting for a Town vote to render a final decision.
  - Given the need for an environmental review, CPC's need to hold a Public Hearing, etc., the Trust should not expect all of these steps to be done in time for Fall Town Meeting.
- **Discussion: Attorney Thomas Gibbons, Liberty Condominium Trust, LLC**
  - Mr. Gibbons said he was appearing before ConCom not as an attorney but as a member of the LLC.
    - The Trust now owns 7 of the 10 condo units in the two buildings located at 6 and 8 Groton-Harvard Road.
  - The Trust has made improvements to the inside of the buildings and now has almost full occupancy.
  - Mr. Gibbons said there are 12 parking spots for the entire property and that parking is now getting tight.
    - The LLC would like to expand parking behind the buildings by approximately 1,880 sq. ft.
      - Work would require removing a stump, removing unsuitable soil, adding 8-10 inches of gravel, grading and compacting, paving with 2-inch asphalt and finally sealing.
  - Mr. Gibbons distributed a copy of a 5/17 letter from DPW Superintendent Mark Wetzel.
    - Mr. Wetzel would not approve a street opening permit at this time.
    - Mr. Wetzel requested the project be reviewed by the Building Department for compliance with Zoning law and by ConCom for potential wetlands permitting.
      - Mr. Gibbons has since spoken with Building Inspector Gabe Vallente.



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- Mr. Vallente said he does not have jurisdiction over parking lots.
- BD said this area, adjacent to a swale that connects to Balch Pond, is jurisdictional to ConCom.
  - While a limited project, the proposed parking area is as close to the swale as possible.
    - BD noted, however, that the site has limited area for expansion.
- ConCom's concern would be that paving not create new problems.
  - Stormwater has to go somewhere, so the Trust would need to present a plan to deal with this and keep the water on site rather than flowing into the swale.
    - This could be handled by the use of catchbasins or by controlling the pitch of the parking area.
  - ConCom would need the Trust to engage an engineer to perform calculations that determine if an RDA or an NOI were needed.
    - Because of the stormwater issue, BD said the Trust would most likely have to submit an NOI.
  - BD said it should be possible for ConCom to work with the Trust to allow the project to go forward while protecting the wetlands.
    - The bigger challenge for the Trust will be dealing with Zoning issues.
      - The Trust will likely need to secure a variance from the Zoning Board for the 30% open space requirement.
- **Interview: Conservation Commissioner Vacancy**
  - Lee Curtis was interviewed.
    - Ms. Curtis is a wildlife and wetland scientist who has worked as Project Manager in Ecological Sciences for BSC Group in Worcester for ten years.
  - GB moved to present Ms. Curtis' name to Town Administrator Robert Pontbriand for BOS approval; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
  - BD sent an email to Mr. Pontbriand recommending BOS approval of Ms. Curtis.
- **CA Updates**
  - Autumn Ridge (Mass DEP #100-317)
    - CA referred to an email received from John Cadigan, Vice Chair of the Trustees of the Autumn Ridge Farms Condo Association.
      - Mr. Cadigan was asking for followup regarding ConCom's Enforcement Order.
      - Mr. Cadigan reported that the forebay of the detention basin behind building #5 was currently 1-ft. deep with water.
        - BD described the sheet flow that comes from the hillside field, creating ponding and icing issues.
          - This water runoff problem has been an issue for years.
          - BD said that other than putting in a retaining wall or a curtain drain, there was nothing to be done about this and that it did not fall under ConCom jurisdiction.
      - CA will communicate this to Mr. Cadigan.
- **8:49 PM – Adjourn Meeting**
  - GB moved to adjourn; TT 2<sup>nd</sup>.
    - Motion approved unanimously.